

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

CATHRYN ELAINE HARRIS, §
MARIO HERRERA, and MARYAM §
HOSSEINY on behalf of themselves and §
all others similarly situated, §

Plaintiffs, §

V.

BLOCKBUSTER INC.

Defendant. §

CIVIL ACTION NO. 3:09-cv-217-M

DEFENDANT'S NOTICE OF APPEAL

NOTICE IS HEREBY GIVEN that Blockbuster Inc. (“Blockbuster”), defendant in the above-named case, hereby appeals to the United States Court of Appeals for the Fifth Circuit from the Order denying Defendant’s Motion to Compel Individual Arbitration entered in this action on or about March 31, 2009 [ECF Doc. #31], this Court’s April 15, 2009 Memorandum Opinion [ECF Doc. #32], and all other orders and rulings leading up to and associated with that Order and Memorandum Opinion.

On this date, too, Defendant Blockbuster has paid the filing fee of \$455 associated with a Notice of Appeal to the United States Court of Appeals for the Fifth Circuit.

Dated this 22nd day of April, 2009.

Respectfully submitted,

/s/ Michael L. Raiff

Michael L. Raiff

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CERTIFICATE OF SERVICE

I hereby certify that on this 22nd day of April, 2009, I electronically filed the foregoing Defendant's Notice of Appeal with the Clerk of the Court for the United States District Court, Northern District of Texas, using the ECF System of the Court. The ECF System sent a "Notice of Electronic Filing" to the attorneys who have consented in writing to accept this notice as service of this document by electronic means.

/s/ Michael L. Raiff

Michael L. Raiff

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